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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,451	04/03/2001	Toshikazu Hirayama	010477	3311

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EXAMINER

LAM, ANN Y

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,451

Applicant(s)

TOSHIKAZU HIRAYAMA

Examiner

Ann Y. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Riitano, 6,079,979. Riitano discloses a barrel, see column 5, line 18, which is provided with a nozzle mounting portion at a distal end thereof; a plunger which is provided with a gasket capable of sliding hermetically along an inner wall of the barrel at a distal end thereof and inserted from a proximal end of said barrel, see column 5, line 18; and a nozzle (20) which is freely detachable with said nozzle mounting portion, wherein said nozzle includes a mounting portion on the proximal end side which is provided with means for mounting to said nozzle mounting portion, see column 5, lines 19-22, and a discharging portion (40) which extends bending at a predetermined angle

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from this mounting portion, said discharging portion being formed so as to become thinner at a tip thereof in a tapered shape, see Figure 2.

As to claim 2, the mounting portion of the nozzle and the nozzle mounting portion of the barrel are formed so as to enable a luer lock, see column 5, lines 19-22.

As to claim 3, the nozzle mounting portion comprises a distal end tip that engages with the inner cavity of the nozzle and female threads which are disposed concentrically on the outside of the distal end tip, and said female threads are constituted so as to screw together with male threads disposed on the proximal end of the nozzle, see column 5, lines 19-22.

As to claim 4, the female threads are integrally formed with the barrel, see column 5, lines 19-22.

As to claim 5, the female threads are disposed in a freely rotatable condition on the outer wall of the barrel, see column 5, lines 19-22.

As to claim 6, Riitano discloses a mounting portion on the proximal end side which is provided with means for mounting to a tip of a barrel, see column 5, lines 19-22; and a discharging portion which extends bending at a predetermined angle from this mounting portion, see Figure 2.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Discko, Jr., 5,267,859. Discko discloses a barrel (16), which is provided with a nozzle mounting portion at a distal end thereof; a plunger (20) which is provided with a gasket capable of sliding hermetically along an inner wall of the barrel at a distal end

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thereof and inserted from a proximal end of said barrel; and a nozzle (40 and 32) which is freely detachable with said nozzle mounting portion, wherein said nozzle includes a mounting portion on the proximal end side which is provided with means for mounting to said nozzle mounting portion, and a discharging portion (32) which extends bending at a predetermined angle from this mounting portion, said discharging portion being formed so as to become thinner at a tip thereof in a tapered shape, see Figure 1.

As to claim 2, the mounting portion of the nozzle and the nozzle mounting portion of the barrel are formed so as to enable a luer lock, see Figure 1.

As to claim 3, the nozzle mounting portion comprises a distal end tip that engages with the inner cavity of the nozzle and female threads which are disposed concentrically on the outside of the distal end tip, and said female threads are constituted so as to screw together with male threads disposed on the proximal end of the nozzle, see Figure 1.

As to claim 4, the female threads are integrally formed with the barrel, see Figure 1.

As to claim 5, the female threads are disposed in a freely rotatable condition on the outer wall of the barrel, see Figure 1

As to claim 6, Discko discloses a mounting portion (40) on the proximal end side which is provided with means for mounting to a tip of a barrel; and a discharging portion (32) which extends bending at a predetermined angle from this mounting portion, see Figure 2.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is (703) 306-5560. The examiner can normally be reached on T-F 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (703)308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3590 for regular communications and (703)306-4520 for After Final communications.

A.L.

October 20, 2002


ANH TUAN T. NGUYEN
PRIMARY EXAMINER
